

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

WILLIAM MICHAEL SPEARMAN,  
Defendant.

Case No.: 22-CR-80173-AMC

**AMENDED NOTICE OF UNITED STATES'  
INTENT TO OFFER EVIDENCE UNDER  
RULES 702, 703, AND 705 & REQUEST FOR  
RECIPROCAL DISCOVERY**

PLEASE TAKE NOTICE that Plaintiff, UNITED STATES OF AMERICA, hereby files this amendment to its previously filed notice of its intent to offer evidence under Rules 702, 703, and 705 of the Federal Rules of Evidence in its case-in-chief at trial in this case.

**1. Notice of Evidence Under Rules 702, 703, and 705**

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure and Southern District of Florida Local Rule 88.10(o)(3)(A), the United States filed a notice on April 12, 2023, concerning potential expert testimony that it may seek to introduce at trial pursuant to Rules 702, 703, and 705 of the Federal Rules of Evidence, which the United States incorporates fully here by reference. [ECF No. 67]. On May 17, 2023, the Court reset the trial in this matter to begin on June 12, 2023. [ECF No. 130]. Out of an abundance of caution, the United States now files this amended notice of its intent to introduce potential expert testimony from an additional witness to account for possible scheduling conflicts with one of the government's previously noticed witnesses, Joshua Storey. [ECF No. 67 at 8-12]. No change is intended regarding the disclosure of Mr. Storey's noticed testimony, which the United States now anticipates introducing through the witness below.

The United States also reserves the right to offer additional testimony by its noticed experts, or other expert witnesses, and for the experts to amend or adjust their opinions and bases therefor, based on information perceived by or made known to the experts before or during trial.

a. James Fottrell

Mr. Fottrell is the Director of the High Technology Investigative Unit (“HTIU”) at the U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section. He has held this position since 2002, and he has been a computer forensic examiner since 1989. In his capacity as Director of HTIU, Mr. Fottrell supervises a team of Digital Investigative Analysts who conduct forensic analysis of seized computer systems, servers, mobile devices, and other media to provide investigative and analytical support to prosecutors and law enforcement agents. He regularly conducts online investigations and analysis of internet technologies used to commit federal child exploitation offenses. He has conducted and assisted with numerous investigations involving the Tor network and with child pornography offenses involving the Tor network. He has numerous certifications, including certifications in Encase and computer evidence recovery training. In addition to his on-the-job experience analyzing digital devices, he has taken and taught numerous training courses connected to the analysis of computers and online child exploitation offenses, including offenses on the Tor network. Mr. Fottrell has testified as an expert in numerous federal child exploitation trials on the subject of gathering and assessing digital forensic evidence as well as the investigation of child exploitation crimes on the internet. He holds a bachelor’s degree in computer science from the State University of New York, College at Oswego. His curriculum vitae will be provided to the defendant’s counsel contemporaneously with this filing.

In the last four years, Mr. Fottrell has testified as an expert witness in the following cases:

*United States v. Clint Schram*, 5:20-cr-6002 (W.D. Mo. 2023); *United States v. Christopher Kuehner*, 1:22-cr-00120 (E.D. Va. 2023); *United States v. Derek Flaming*, 4:21-cr-00281 (N.D. Okla. 2022); *United States v. Ashley Kolhoff*, 1:21-cr-00158 (E.D. Va. 2022); *United States v. Joshua Duggar*, 5:21-cr-50014 (W.D. Ark. 2021); *United States v. James Clawson*, 1:20-cr-00119 (E.D. Va. 2021); and *United States v. Christopher Sueiro*, 1:17-cr-00284 (E.D. Va. 2021). Mr. Fottrell also testified in *Commonwealth of Massachusetts v. Helmeade Noel*, 2084CR00175 (Superior Court, Suffolk County Criminal 2023). He has authored no publications in the last ten years.

The United States may call Mr. Fottrell to provide testimony about the matters previously noticed as the subject of Mr. Storey's anticipated testimony, including testimony about The Onion Router ("Tor") network, the manner in which the Tor network differs from the regular internet or "clearnet," and the manner in which individuals with an interest in trafficking in child pornography utilize the Tor network to engage in this sort of criminal conduct. [ECF No. 67 at 8-12]. The United States may also call Mr. Fottrell to provide testimony about certain matters previously noticed as the subject of Special Agent Scott Schoenhardt's testimony. [*id.* at 14-15]. In particular, Mr. Fottrell may provide testimony regarding the encryption of electronic devices generally and how various encryption-related programs and technologies like Tails and BitLocker operate. Mr. Fottrell has reviewed the government's previously filed expert notice, [ECF No. 67], which is incorporated herein by reference.

In accordance with Fed. R. Crim. P.  
16(a)(1)(G)(v), I approve this disclosure:

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JAMES FOTRELL

**2. Notice of Request for Reciprocal Discovery**

With respect to the Defendant William Michael Spearman, the United States requests the following:

Under Rule 16(b)(1)(A), the United States requests to inspect, copy, and photograph any and all books, papers, documents, photographs, tangible objects, or make copies of portions thereof, which are within the possession, custody or control of the defendant and that the defendant intends to introduce as evidence in his case-in-chief at trial.

Under Rule 16(b)(1)(B), the United States requests to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, which are in the possession or control of the defendant that he intends to introduce as evidence at the trial or that were prepared by a witness whom the defendant intends to call.

Under Rule 16(b)(1)(C), the United States requests a written statement of any testimony that the defendant intends to use under Rules 702, 703, and/or 705 of the Federal Rules of Evidence as evidence at trial. This statement must include a complete statement of all opinions that the defendant will elicit from the witness in the defendant's case-in-chief; the bases and reasons for them; the witness's qualifications, including a list of all publications authored in the previous 10 years; and, a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition.

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The United States also asks for prior statements of all witnesses (except the defendant) under Rule 26.2.

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By: *s/Gregory Schiller*  
GREGORY SCHILLER  
Assistant United States Attorney  
Court Id No. A5501906  
U.S. Attorney's Office - SDFL  
500 S. Australian Ave., Suite 400  
West Palm Beach, Florida 33401  
Telephone: (561)209-1045  
E-mail: gregory.schiller@usdoj.gov

By: *s/Kyle Reynolds*  
KYLE REYNOLDS  
TRIAL ATTORNEY  
U.S. Dept. of Justice, Criminal Division  
Child Exploitation and Obscenity Section  
Court ID # A5502872  
1301 New York Avenue, NW  
Washington, DC 20005  
Phone: (202) 616-2842  
Email: kyle.reynolds@usdoj.gov

By: *s/William Clayman*  
WILLIAM G. CLAYMAN  
TRIAL ATTORNEY  
U.S. Dept. of Justice, Criminal Division  
Child Exploitation and Obscenity Section  
Court ID # A5502958  
1301 New York Avenue, NW  
Washington, DC 20005  
Phone: (202) 514-0040  
Email: william.clayman@usdoj.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 19, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified.

*s/William G. Clayman*

William G. Clayman  
Trial Attorney, U.S. Dept. of Justice